

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 97-517-C - ORDER NO. 98-467

JUNE 22, 1998

IN RE: Joint Application of Network Long Distance,     ) ORDER  
Inc. and United Wats, Inc. for Approval of a     ) APPROVING  
Merger.     ) MERGER

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Application of Network Long Distance, Inc. (Network) and United Wats, Inc. (UWI) (together, the Companies) for approval of the merger of UWI into Network. According to the Application, the separate existence of UWI will cease after the merger, with Network remaining as the surviving corporation.

The Commission's Executive Director ordered the Companies to publish a Notice of Filing, one time, in newspapers of general circulation in the areas affected by the Application. The purpose of the Notice was to allow public participation in the proceeding. No Protests or Petitions to Intervene were received.

Subsequently, the Companies filed a Motion for Expedited Review of the merger, and a waiver of the hearing, since no intervention had occurred. The Companies filed verified testimony of Tim Barton, the President of Network.

We grant the Motion for Expedited Review. However, we note that S.C. Code Ann. Section 58-9-310 (Supp. 1997) requires that a "due hearing" occur before approval of any merger. We hold that the weekly Commission meeting of May 19, 1998

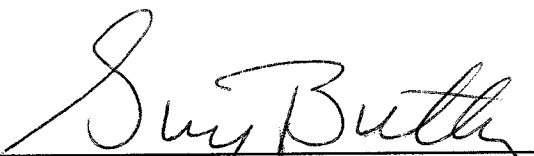
constitutes the “due hearing” in the present case, since this public meeting was where this matter came up for discussion, and verified written testimony was available.

The testimony of Tim Barton, President of Network, supports the Application. Under the proposal UWI would merge into Network, and then, would cease to exist. Network will then serve all of UWI’s present customers.

We grant the Application as filed. Network must provide notification of completion of the merger to this Commission, at which time, the Certificate of Public Convenience and Necessity presently held by UWI shall be cancelled.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Deputy Executive Director

(SEAL)